

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM,
VILLAGE HALL, ON AUGUST 4, 2004**

- Members Present:** Peter Lilienfield, Chairman
Carolyn Burnett
William Hoffman
Walter Montgomery, Secretary (present from 8:25pm)
Jay Jenkins
- Also Present:** Lino Sciarretta, Village Counsel
Edward P. Marron, Jr., Building Inspector
Florence Costello, Planning Board Clerk
M.J. Wilson, Environmental Conservation Board Member
Applicants and other persons mentioned in these Minutes
- IPB Matters Considered:**
- 04-13 – Charles M. Pateman/Nicodemus – 200 Mountain Road**
Sht. 11, Lot P27K
- 04-25 – Leonard & Etil Capuano – 15 Woodbine Road**
Sht. 7A, B.237, Lot 5A, 6, 7
- 04-26 Rita & Peter Blum – 1 El Retiro Lane**
Sht. 7, Lot P-81
- 04-30 – Jeffrey & Katherine Duarte – 32 Jaffray Court**
Sht. 7C, B251, Lot 6
- 04-33 – R.E.R. Development Corp. – East Clinton Avenue**
Sht. 14, B.224, Lot 1
- 04-37 – Francis Crowley – 75 Station Road**
Sht. 7C, B.250, Lot 14
- 04-39 – Lundy/Chamberland – 31 East Clinton Avenue**
Sht. 14, B.223, Lot 15, 15A
- 04-41 – Michael & Sheridan Jacobs – 84 Fargo Lane**
Sht. 1, B.245, Lot P582
- 04-42 – Andrew & Lisa Bernstein – 3 Fargo Lane**
Sht. 11, B.246A, Lot 8A
- Carried Over:**
- 94-03 – Westwood Development Associates, Inc. -- Phase 1 (Tract A)**
Sht. 10, P25J2, 25K2
Sht. 10C, Bl. 226, Lots 25A, 26A
Sht. 11, P-25J
- 03-36 – Racwel Contracting & Construction Co., Inc. – Dearman Close**
Sht. 10, Lot P-25J2-15
- 03-49 – Village of Irvington – Westwood Subdivision, Tract C**
Sht. 11, Lot P-71, P-73 and P-75 (formerly Sht. 11, Lot P-25J and P-25J2 and Sht. 10C, B. 226, Lot 27A)
- 04-04 – Jim & Vesna Rothschild – Lot #13, Dearman Park**
Sht. 10, B.1, Lot 13
- 04-21 – Omnipoint Communications Inc. – 1 Bridge Street**
Sht. 3, Lot P-103
- 04-24 – Randy & Margaret Paul – One Langdon Avenue**
Sht. 15, Lot P-119E

04-29 – Susan Robinson – 9 Fargo Lane

Sht. 1, B246A, Lot 7

04-35 – Brian & Maragaret Cuff – 3 Oak Street

Sht. 7A, B.236, Lot 1, 2

04-38 – Fernando & Stella Mateo – 202 West Clinton Avenue

Sht. 7B, B.249, Lot 9A

04-40 – Craig & Jennifer Ruoff – 4 Oak Street

Sht. 7A, B.233, Lot 3, 4

Off Agenda: 04-27 – Richard Wager – 63 Ardsley Avenue West
Sht. 7, P-43A2A2

The Chairman called the meeting to order at 8:00 p.m.

Administrative:

With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees. Further, unless otherwise noted, the Applicants submitted evidence of notice to Affected Property Owners.

REVIEW OF APPLICATIONS

IPB Matter #04-25

**Application of Leonard & Etil Capuano for Site
Development Plan Approval for property at 15
Woodbine Road**

Proposal

Construction of a second-floor addition to the house.

Representative

Steven A. Costa, P.E.

Plans

“Capuano Residence Addition, 15 Woodbine Rd., Steven A. Costa, P.E., March 24th, 2004,” 2 sheets.

Discussion

The Board opened a public hearing. The Chairman noted that the ZBA in its letter of July 28, 2004, had verified its approval of a variance (ZBA #2004-15) for an existing non-conforming site (Section 224-85 of the Zoning Ordinance).

Comments from the Public

None.

Board Action

The Board closed the public hearing and determined that this matter could be treated as a Type II Action. Upon motion duly made and seconded, the Board voted unanimously to grant site development plan approval for this application: “Capuano Residence Addition, 15 Woodbine Rd., Steven A. Costa, P.E., March 24th, 2004,” 2 sheets.

IPB Matter #04-26

Application of Rita & Peter Blum for Site Development Plan Approval for property at 1 El Retiro Lane

Proposal

Replacement of an existing open front porch and extending it along the front and sides of the house, while also adding a mudroom.

Representative

Arthur Chabon, architect.

Plans

"Blum Residence, El Retiro Lane, Arthur Chabon, architect, April 21st 2004," 1 sheet.

Discussion

The Board opened a public hearing. The Chairman noted that the ZBA, in its letter of July 28, 2004, had verified its approval of a variance (ZBA #2004-18) for coverage.

Comments from the Public

None.

Board Action

The Board closed the public hearing and determined that this matter could be treated as a Type II Action. Upon motion duly made and seconded, the Board voted unanimously to grant site development plan approval for this application: "Blum Residence, El Retiro Lane, Arthur Chabon, architect, April 21st 2004," 1 sheet.

IPB Matter #04-37:

Application of Francis Crowley for Site Development Plan Approval for property at 75 Station Road

Proposal

Removal of rear addition, roof and dormer addition of new family room and kitchen at back of house, and addition of new bedroom and study on second floor, with increase in footprint.

Representatives

Leonard Sieverding, architect

Plans

No new plans were submitted.

Discussion

The Board opened a public hearing. The Applicant was asked to clarify and expand upon the FAR information submitted on properties in the immediate neighborhood. The public hearing on this matter was temporarily suspended while the representatives for the application met in a separate room to address the Board's request. The Board continued to review other matters. Later in the meeting, the Applicant presented the FAR information to the satisfaction of the Board.

Mr. Mastromonaco, in a memorandum dated August 4, said he had no engineering concerns.

Comments from the Public

None.

Board Action

The Board closed the public hearing and determined that this matter could be treated as a Type II Action. Upon motion duly made and seconded, the Board voted unanimously to grant site development plan approval for this application: Plans entitled Crowley Proposed Renovations by Leonard Sieverding dated June 20, 2004.

IPB Matter #04-41:

Application of Michael & Sheridan Jacobs for Site Development Plan Approval for property at 84 Fargo Lane.

Proposal

Reconstruction of existing deteriorated shed on the north side of existing house into a single-car garage, with no change in footprint.

Representative

Robert Reilly, architect

Plans

“Restoration of Existing Shed and Conversion to Garage, for Mr. and Mrs. Michael Jacobs, 84 Fargo Lane, R. Reilly, Architect, July 12, 2004, 2 sheets.”

Discussion

The Chairman noted that the property is on the west side of Broadway, in the View Preservation District, and therefore the Application cannot be granted a waiver and must be subject to a public hearing. Mr. Reilly clarified details regarding the driveway easements on the northern side of the property, and indicated that the macadam driveway on the southeastern side is being abandoned.

In response to the Environmental Conservation Board’s letter of August 4, 2004, in which concern was expressed about tree protection, Mr. Reilly said there would be no impact on trees. In his memorandum of August 4, 2004 Mr. Mastromonaco said he had no engineering concerns.

Comments from the Public

None.

Board Action

The Board determined that the application was sufficiently complete and scheduled a public hearing on this application for its September Regular Meeting, contingent upon the receipt of modified plans showing the elimination of the driveway on the southeastern side of the property.

IPB Matter #04-42:

Application of Andrew & Lisa Bernstein for Site Development Plan Approval for property at 3 Fargo Lane.

Proposal

Construction of an additional bedroom and bathroom over the existing garage, with no increase in the footprint.

Representatives

Frank Loffredo, architect, and Mr. Bernstein.

Plans

"Site Plan & Area Calculations, Bernstein Residence, 3 Fargo Lane, Loffredo Brooks Architects P.C., July 15, 2004", 6 sheets.

Discussion

The Chairman said that the Applicant had not provided notice to the State of N.Y. Parks, Recreation and Historic Preservation. In addition, he noted that the property is on the west side of Broadway, in the View Preservation District, and therefore the Application cannot be granted a waiver and must be subject to a public hearing. The Board decided to solicit input from the Architectural Review Board relative to any potential view impacts on either the Aqueduct or the Hudson River. The Chairman indicated that he would write a letter to the ARB as in the past, and requested that the applicant arrange to get on the ARB's agenda prior to the next Planning Board meeting.

In his memorandum of August 4, Mr. Mastromonaco said that topographic data are needed; approximate locations of existing water and sewer lines should be shown on the site plan; and lot coverage should be noted as well on the plan.

Comments from the Public

None.

Board Action

The Board determined that the application was sufficiently complete and scheduled a public hearing on this application for its September Regular Meeting, contingent upon correcting of the noticing deficiency and their being no objection with regard to the noticing deficiency from the State of N.Y. Parks, Recreation and Historic Preservation.

IPB Matter #04-33:

Application of R.E.R. Development Corp for Site Development Plan Approval for property on East Clinton Avenue.

Proposal

Construction of a new one-family residence.

Representative

Dennis Rubich, associate, Escaladas Associates

Plans

"Proposed Residence Site Plan, Escaladas Associates, Architects and Engineers, Revised July 9, 2004", 4 sheets.

Discussion

The Chairman said that the Applicant's submission addressed the easement only with regard to the northern lot, and that information for the eastern lot is needed as well. A fence, he added, cannot be put down the middle of the easement unless so permitted per the easement. He also said that the Applicant needs to publish notice again, for a public hearing that will be set for the Board's Regular Meeting in September. Further, the easement information should be sent to Mr. Sciarretta in time for him to review it before that meeting.

Mr. Rubich said that the Applicant would be willing to put up a fence if the owners of the two parcels agree to a modification of the easement to accommodate a fence. The Chairman stated

that the Board needs drawings and calculations that include the driveways. Also, the plans must address the height issues, since the proposed structure, while below 35', is above the average height of the neighboring houses to the south on Broadway and to the east. The Board concluded there was no issue with the FAR.

Mr. Mastromonaco, in his memorandum of August 4, said that drywell drainage calculations are needed, and some adjustments to the plans, including signing and sealing, should be made.

Comments from the Public

A resident of the Applicant's neighborhood, Mr. Robert Munigle, asked about how the proposed height was calculated. He also questioned the aesthetics of the proposed project and said that screenings plantings are needed. Mr. Rubich showed the proposed plantings at the rear of the property and along the driveway.

Board Action

The Board determined that the application was sufficiently complete and scheduled a public hearing on this application for its September Regular Meeting.

IPB Matter #04-39:

Application of Lundy/Chamberland for Subdivision and Site Development Plan Approval for Property at 31 East Clinton Avenue

Proposal

Construction of two one-family dwellings, one on each of two lots, with a variance for a site capacity of one on each lot.

Representative

Mr. Richard Blancato, Esq.

Plans

New plans: "Alternatives & Parking Analysis for Lundy, Cronin Engineering, P.E., P.C., July 14, 2004, 1 sheet.

Discussion

Mr. Randall Wegner of Cronin Engineering summarized six (6) options for the parking spaces (on and off-street). Mr. Blancato noted that the ZBA granted a site-capacity variance (ZBA #2003-27), but variances for width of the lots (and frontage) must still be sought. He said that a shared driveway for the lots is not feasible, given the need for adequate maneuvering space. The Chairman said that separate site plans would be needed for each lot, and the Board will need to ascertain the appropriate siting of the building envelope in each lot. In addition, the plans have to show where the sewer lines will be. Mr. Wegner said that the flood zone is an important consideration in locating the houses relative to the front of the lots.

The Chairman said Mr. Sciarretta should review the question of whether a legal subdivision of the two lots already exists, as Mr. Blancato argued in a letter of August 4, submitted to the Board. The Chairman emphasized the need for the Board to be consistent with its decisions on similar matters in the past (where it had determined that re-subdivision was required).

The Board, by consensus, asked that the Applicant submit additional drawings of three options for the positioning of the structure and the impact on parking. The Chairman noted three letters

from residents of East Clinton Avenue, expressing various concerns and objections regarding lot capacity, impact on flood plain, and other matters.

Mr. Mastromonaco, in his memorandum of August 4, 2004, said that the site plans as submitted lack sufficient detail for engineering review, and separate plans for each lot should be submitted. He also recommended a restricted easement on the filling of the yards, as well as notification to future owners of the proposed homes that the property is within a flood zone to prevent further encroachment in the rear. In addition, he said that the village should be protected from damages from flooding.

Comments from the Public

Mr. Robert Munigle and others discussed the location of the proposed houses. He noted that trees would be lost if these structures were moved forward.

Board Action

The Board continued this matter.

IPB Matter #04-13:

Application of Charles M. Pateman/Nicodemus for Determination of Site Capacity at 200 Mountain Road for Final Site Development Plan Approval/Water Bodies & Watercourses Permit and Freshwater Wetlands Permit.

Proposal Application is for site development plan approval to allow construction of a single family house on an existing lot. In addition to Final Site Development Plan Approval under Article XIV, the Board will also be addressing Water Bodies and Watercourses Permit under Article XXIII, and a Freshwater Wetlands Permit under Article XXV.

Representatives

Charles Pateman and Chris Pateman of C.M. Pateman Associates, and Steve Coleman, environmental consultant to Pateman.

Plans

“Proposed New Residence at 200 Mountain Road, C&L Pateman Design and Consulting Co., Inc., May 3, 2004”, 4 sheets.

“Resource Protection and Mitigation Plan for C.M. Pateman & Associates, by Cronin Engineering, P.E., P.C., Revised June 16, 2004”, 5 sheets.

Discussion

The Board opened a public hearing and immediately adjourned it, in order to hold a site walk on Saturday, August 7, 2004 at 9:00 a.m.

Comments from the Public

None.

Board Action

The Board continued this matter and will reconvene the public hearing at the September Regular Meeting.

IPB Matter #04-30:

Application of Jeffrey & Katherine Duarte for Site Development Plan Approval for Property at 32 Jaffray Court.

Proposal

Construction of a new second story over an existing one-story residence, with no increase in the structure's footprint.

Representative

Matthew Behrens, architect.

Plans

New plans: "Addition/Alteration: Duarte Residence, 32 Jaffray Court, Comparative Elevations and Site Plans, Matthew Behrens, architect, July 19, 2004; 1 sheet.

Discussion

The Chairman reviewed the FAR data submitted by the Applicant and noted the proposed structure would be at the upper end of the range. The proposed FAR for the subject was noted to be near the FAR of the Kleber property, approved by the Planning Board prior to the implementation of the new FAR zoning requirements; this was noted to be substantially higher than most of the other properties in the neighborhood.

The Chairman asked Mr. Behrens whether there were any tradeoffs that could be made. Mr. Behrens noted that dormers would not work because they would reduce the proposed floor space. Nor is a flat roof desirable, he added. Mr. Mastromonaco, in his memorandum of August 4, stated that he had no engineering concerns.

Comments from the Public

Michael Schelp, the property owner immediately to the east of the Applicants' property, expressed concern about the size, configuration and view impact of the proposed structure.

Board Action

The Board by consensus noted that this proposal presents particularly difficult issues of massing and neighborhood compatibility. As a result, a site walk was set for Saturday, August 7 at 8:30 a.m.

The Board then approved minutes dated April 14, 2004, May 5, 2004, and June 2, 2004.

The Board Meeting was adjourned at 10:55 p.m.

Respectfully submitted,

Walter Montgomery
Secretary